Model Informed Consent and Release for Polygraph Examination[1]
Instant Offense Polygraph

- You are required by law to participate in polygraph examinations as part of the Containment Model sex offender management program per penal code 290.09 and 1203.067. If you need time to consult with an attorney or public defender before going forward with this examination, you can request up to a two-week postponement for that purpose.

- Instant offense polygraph examinations are part of the sex offender management program and are not intended for use as an investigative tool for future criminal proceedings but rather should be used to assess risk for purposes of treatment and supervision. You will only be asked questions about the sexual behavior involved in offenses for which you were convicted.

- The report on the results of this polygraph exam will be distributed to the treatment provider and made available to the supervising probation officer or parole agent on your case. Additional distribution is also possible.

- The law in most instances limits the use of any statement made in direct response to a question to the offender's participation in the sex offender management program. However, a statement revealing a new offense that occurred during the current supervision period may result in revocation or modification of terms and conditions.

- If you volunteer to identify information about offenses against minor or elder victims that are different than the offense for which you were convicted, that information will be reported to Child or Adult Protective Services.[2]

- If you volunteer details, outside of the scope of the polygraph examination, about any other offense which results in identification of victims, that information may lead to a subsequent criminal prosecution or probation/parole revocation proceedings.

- Information revealed about prior victims may be used in subsequent civil proceedings, such as sexually violent predator commitment proceedings.

- I understand that the pre-examination interview, polygraph examination and post-examination interview will be electronically recorded. A copy of the recorded examination might be reviewed by members of the containment team.

- I fully understand the contents of this consent and release. I understand and acknowledge that all the matters outlined above have been fully explained to me and I fully understand every paragraph. I understand that by signing this agreement, I am acknowledging this agreement and its terms, consenting to the polygraph examination.

Signature: _____**Date**: _____

[1] CASOMB recommends that polygraph examiners include informed consent and release advisements like those above before conducting a polygraph examination. Examiners may use additional or modified advisements according to company policy and based on legal advice. This is not intended to cover every possibility that may occur, nor is it an exhaustive list.

[2] This advisement is required even though the polygraph examiner is not a mandated reporter, because the report must be distributed to the treatment provider and probation or parole officer, who are mandated reporters. If there is a concern, based on legal advice, that Penal Code section 11167 may require a report to Child or Adult Protective Services even if no identifying information about a victim is revealed, then this advisement can be modified accordingly.